IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

OP.No. 2450 of 2003(N)

PETITIONER:

K.V.SHERLY W/O. C.P. JOY,
CHEMMASSERIL, VADAKKUMPURAM, NORTH PARUR,
RETD. P.D. TEACHER, GOVT. L.P.SCHOOL,
CHENDAMANGALAM.

BY ADV. SRI.SHAIJAN C.GEORGE
SMT.S.A.SHERLY

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETARY, FINANCE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM**

2. **THE DIRECTOR OF PUBLIC INSTRUCTIONS, THIRUVANANTHAPURAM**

3. **THE ASSISTANT EDUCATIONAL OFFICER, CHENDAMANGALAM.**

4. **THE ACCOUNTANT GENERAL, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI.PRAKASH

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 11/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.7885/2003 IN CMP. NO.4450.2003 IN OP. NO.2450/2003

DISMISSED

11.12.2006 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE GOVERNMENT ORDER DT.28.6.97.

.EXT.P2;- COPY OF THE GO(P) 399/99/78/FIN DT..5.2.99.

EXT.P3:- COPY OF THE ORDER GO(P) NO.1503/180/99/FIN DT.22.6.99.

.EXT.P4:- COPY OF THE LETTER ISSUED TO THE PETITIONER BY THE AEO.

.EXT.P5:- COPY OF THE REPLY OF THE PETITIONER TO AUDIT OBJECTION.

/TRUE COPY/

tss

KURIAN JOSEPH, J.

O.P.No.2450 OF 2003

Dated this the 11th day of December, 2006

J U D G M E N T

The date of effect of re-option is the relevant date and not the date of making the re-option is now settled by the Full Bench of this court in W.A.No.234/2004. Learned Special Government Pleader submits that the matter is now pending before the Supreme Court. Be that as it may, as far as this court is concerned, the issue has been given a quietus. Therefore, this writ petition is disposed of making it clear that there shall not be any recovery of excess pay on the objection regarding the date of option. If any amounts have been withheld the same shall also be disbursed. The needful shall be done within a period of two months from the date of production of a copy of this judgment. However, it is made clear that the judgment will be subject to the decision of the Apex court in the matter.

(KURIAN JOSEPH, JUDGE)

ps

KURIAN JOSEPH, J.

O.P.No.2450/2003

JUDGMENT

11th December, 2006